

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6

HON. THOMAS B. LINDBERG

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Heather Smith, Deputy Clerk

DATE: October 30, 2009

**FILED**

DATE: 10/30/09

8:30 O'Clock A.M.

**JEANNE HICKS, CLERK**

**BY: HEATHER SMITH**

Deputy

**TITLE:**

**STATE OF ARIZONA**

(Plaintiff)

vs.

**STEVEN CARROLL DEMOCKER**

(D-1)

**COUNSEL:**

**Yavapai County Attorney**

(For Plaintiff)

**John Sears**

107 North Cortez Street, Suite 104

Prescott, AZ 86301

**Larry Hammond**

**Anne Chapman**

OSBORN MALEDON, P.A.

2929 North Central Avenue, 21<sup>st</sup> Floor

Phoenix, AZ 85012

(For Defendant)

**HEARING ON:**

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Continued Evidentiary Hearing / Oral Argument / Chronis Hearing

Roxanne Tarn

**START TIME: 8:30 a.m.**

**APPEARANCES:** Joseph Butner, Deputy County Attorney  
Steven Carroll DeMocker, Defendant in Custody  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant

At 8:30 a.m., Court reconvenes with Counsel and the Defendant present in chambers. Counsel for State is not present.

Court notes, this is an ex parte in camera hearing regarding a motion ordered to be kept under seal filed by Defendant on October 2, 2009.

Each Counsel address the Court in regards to the motion.

The motion as this time is taken under advisement.

Dean Trebesch requests the Court re-direct the Clerk's Office to provide copies of each and every minute entry to him.

Court re-directs the Clerk's Office to provide a copy of each minute entry to Dean Trebesch directly.

~\*~\*~\*~\*~ Recess - 9:10 a.m. ~\*~\*~\*~\*~

At 9:25 a.m., Court reconvenes with all parties present in the Courtroom.

Richard Lee Echels is sworn and testifies.

State moves for the admission of exhibit 120. Counsel for Defendant conducts *voir dire* and objects. State conducts further questions.

State further moves for the admission of exhibit 120. Counsel for Defendant continues to object. Sustained.

Counsel for State moves for the admission of exhibit 122. Counsel for Defendant objects. Exhibit 122 is admitted.

Counsel for State moves for the admission of exhibit 121. Counsel for Defendant objects. Exhibit 121 is admitted.

Counsel for State moves for the admission of exhibit 125. Counsel for Defendant has no objection. Exhibit 125 is admitted.

Counsel for State moves for the admission of exhibit 123. Counsel for Defendant objects. Sustained.

Counsel for State moves for the admission of exhibit 124. Counsel for Defendant objects. Sustained.

Counsel for State moves for the admission of exhibit 135. Counsel for Defendant objects. Sustained.

~\*~\*~\*~\*~ Recess – 10:32 a.m. ~\*~\*~\*~\*~

At 10:51 a.m., Court reconvenes with all parties present.

Richard Lee Echels resumes testifying, having previously been sworn.

Counsel for State moves for the admission of exhibits 133 and 134. Counsel for Defendant has no objection. Exhibits 133 and 134 are admitted.

Counsel for State requests the admission of exhibit 127. Counsel for Defendant conducts *voir dire*. Overruled. Exhibit 127 is admitted.

Counsel for State requests the admission of exhibits 128 through 132. Counsel for Defendant conducts *voir dire*.

Court takes the recess at 11:44 a.m. All parties shall return at 1:15 p.m.

~\*~\*~\*~\*~ Recess – 11:44 a.m. ~\*~\*~\*~\*~

At 1:18 p.m., Court reconvenes with all parties present.

Richard Lee Echels resumes testifying, having previously been sworn.

Counsel for State requests the Court take judicial notice of the testimony of Cynthia Wallace which took place during the Simpson hearing on January 15, 2009.

Counsel for State moves for the admission of exhibit 120. Counsel for Defendant objects. Overruled. Exhibit 120 is admitted.

Counsel for State moves for the admission of exhibit 126. Counsel for Defendant conducts *voir dire* and objects. Sustained.

Court directs that as soon as possible at the conclusion of today, the witness, Echels, shall provide a listing of the materials upon which his opinion was generated.

Court moves for the admission of exhibit 136 and 137. Counsel for Defendant objects. The front page only of exhibits 136 and 137 are admitted only and not the balance of the document.

Counsel for State moves for the admission of exhibit 135. Counsel for Defendant objects. Exhibit 135 is admitted.

Upon States request, Court will take judicial notice of the testimony at the Simpson hearing of the Casselena reports.

Court takes a recess at 2:50 p.m.

~\*~\*~\*~\*~ Recess – 2:50 p.m. ~\*~\*~\*~\*~

At 3:02 p.m., Court reconvenes with all parties present.

Richard Lee Echels resumes testifying, having previously been sworn.

Counsel for Defendant moves for the admission of exhibit 138. Counsel for State has no objection. Exhibit 138 is admitted.

Counsel for Defendant moves for the admission of exhibit 140. Counsel for State has no objection. Exhibit 140 is admitted.

Court takes a recess to call another matter.

~\*~\*~\*~\*~ Recess – 4:06 p.m. ~\*~\*~\*~\*~

At 4:48 p.m., Court reconvenes with all parties present.

Parties discuss scheduling and availability of witnesses.

**IT IS ORDERED** continuing this matter to November 3, 2009 at 1:30 p.m. Court notes, Wednesday and Thursday are also available.

Counsel for Defendant, Sears, requests the Court Reporter provide him with expedited copies of transcripts from the testimony this week of Mr. Echels.

The Court Reporter indicates the transcript will be ready by Tuesday.

**END TIME: 4:55 p.m.**

cc: VS (e)  
Division 6 – Calendar/Under Advisement  
Dean Trebesch (Contract Administrator) (PD) (e)  
YCSO (e+)